

REMARKS

Claims 1, 2, 6-8, 16 and 24-26 are pending in this application. Claims 1 and 16 have been amended by the present Amendment. Amended claims 1 and 16 do not introduce any new subject matter.

REJECTIONS UNDER 35 U.S.C. § 102

Reconsideration is respectfully requested of the rejection of claims 1-2, 6-7 and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,576,233 ("Hutter").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. § 2131.

Claims 1, 2 and 6-7

Applicants respectfully submit that Hutter does not disclose or suggest a plurality of edges of the control gate that are formed to be within corresponding edges of the floating gate such that an area of the isolation layer overlapped by the second portion of the floating gate is greater than an area of the isolation layer overlapped by the control gate, as recited in amended claim 1.

For example, the control gate 150a, shown in Figs. 4 and 5 of Applicants' disclosure, has a plurality of edges¹ formed within corresponding edges of floating gate

¹ Figure 4 of Applicants' disclosure shows all 4 edges of the control gate 150a formed within corresponding edges of the floating gate 120a. However, it is to be understood that "a plurality" can

120a and overlaps less area of the isolation layer 105 than the second portion of the floating gate.

The Examiner maintains that Hutter shows in Fig. 2g an area of the isolation layer (Area 2) covered by the second portion of the floating gate is greater than an area of the isolation layer (Area 1) covered by the control gate.

However, claim 1, as amended, states that a plurality of edges of the control gate 150a are formed within corresponding edges of the floating gate 120a so that the control gate overlaps less of the isolation layer than the second portion of the floating gate. In contrast to the claimed embodiment, all of the edges of the control gate 25 of Hutter extend beyond the edges of the body region 46 of the floating gate 19, and, as a result, the control gate 25 overlaps more area than the body region 46.

In addition, as seen from Fig. 2g of Hutter, POLY-2 overlaps substantially the same portion of region 35 as POLY-1 (*i.e.*, Area 2), plus POLY-2 also overlaps region 35 at Area 1 and between Areas 1 and 2. See Hutter, Figs. 1 and 2g.

Accordingly, opposite to the claimed embodiment, POLY-2 (control gate 25) overlaps more of region 35 than POLY-1 (region 46), and all of the edges of POLY-2 (control gate 25) extend beyond the corresponding edges of POLY-1 (region 46).

Therefore, Applicants respectfully submit that claim 1 is not anticipated by Hutter. For at least the reason that claims 2 and 6-7 depend from claim 1, claims 2 and 6-7 are also submitted not to be anticipated by the cited reference.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-2 and 6-7 under 35 U.S.C. § 102(b).

correspond to less than all edges, for example, 2 or 3 edges.

Claim 16

Applicants respectfully submit that Hutter does not disclose or suggest a plurality of edges of the control gate that do not extend to corresponding edges of the floating gate, as recited in claim 16.

As stated above, a plurality of edges of the control gate 150a, shown in Figs. 4 and 5 of Applicants' disclosure, for example, are formed to be within the corresponding edges of floating gate 120a. Accordingly, a plurality of the edges of the control gate 150a do not extend to or beyond the corresponding edges of the floating gate 120a.

However, in contrast to the claimed embodiment, all of the edges of the control gate 25 (POLY-2) of Hutter extend to or beyond the corresponding edges of the body region 46 of the floating gate 19 (POLY-1), and, as a result, the control gate 25 overlaps more of region 35 than the body region 46. See Hutter, Figs. 1 and 2g.

Therefore, Applicants respectfully submit that claim 16 is not anticipated by Hutter.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 16 under 35 U.S.C. § 102(b).

REJECTION UNDER 35 U.S.C. § 103(a)

Reconsideration is respectfully requested of the rejection of claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Hutter in view of U.S. Patent No. 6,339,000 ("Bhattacharya").

Applicants respectfully submit that Hutter, when taken alone or in combination with Bhattacharya, fails to teach or suggest a plurality of edges of the control gate that are formed to be within corresponding edges of the floating gate such that an area of

the isolation layer overlapped by the second portion of the floating gate is greater than an area of the isolation layer overlapped by the control gate, as recited in amended claim 1.

As stated above, Hutter does not disclose this feature. Furthermore, the addition of Bhattacharya does not cure the deficiency in Hutter.

Therefore, it is respectfully submitted that the cited references, when taken alone or in combination, do not disclose or suggest the embodiment of the present invention, as defined in amended claim 1, and that it would not have been obvious to modify Hutter, in view of Bhattacharya, to develop same.

As such, Applicants respectfully submit that the embodiment of the invention as defined in amended claim 1 is patentable over Hutter, in view of Bhattacharya. For at least the reason that claim 8 depends from claim 1, claim 8 is also submitted to be patentably distinct over the cited references.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 8 under 35 U.S.C. § 103(a).

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicants' Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael F. Morano", written over a horizontal line.

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